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4 MELVIN CHARLES ZIMMONS,
5 Plaintiff,
6 v.
7 G. KALISHER, et al.,
8 Defendants.

Case No. [20-cv-00859-YGR](#) (PR)

**ORDER GRANTING IN PART
PLAINTIFF'S REQUEST FOR
EXTENSION OF TIME TO FILE
AMENDED COMPLAINT; AND
DENYING HIS REQUEST FOR
APPOINTMENT OF COUNSEL**

9 Plaintiff, a state prisoner, filed the instant *pro se* prisoner complaint under 42 U.S.C.
10 § 1983. Before the Court are Plaintiff's motion for an extension of time to file his amended
11 complaint as well as his motion for appointment of counsel. Dkt. 9.

I. MOTION FOR EXTENSION OF TIME TO FILE HIS AMENDED COMPLAINT

12 The Court has dismissed Plaintiff's complaint with leave to amend. Plaintiff has filed a
13 request for extension of time to file his amended complaint. Dkt. 9. He requests an "extension of
14 time or stay of proceedings until the COVID-19 crisis is over . . ." *Id.* at 1.

15 Good cause appearing, the request is GRANTED in part and DENIED in part. Plaintiff's
16 request for an indefinite stay of proceedings is DENIED, but his request for an extension of time
17 due to the current COVID-19 crisis is GRANTED. Plaintiff shall file his amended complaint on
18 or by **October 9, 2020**. Plaintiff shall inform the Court if a further extension is required in light of
19 the current public health situation, and he shall provide documents showing the programming
20 changes in the prison related to COVID-19, instead of simply mentioning the "COVID-19 crisis"
21 as the reason for the request for an extension of the deadlines. **If Plaintiff fails to file an
22 amended complaint by the deadline above or fails to request a further extension, this action
23 will be dismissed without prejudice.**

II. MOTION FOR APPOINTMENT OF COUNSEL

24 Plaintiff's motion for appointment of counsel is DENIED for want of exceptional
25 circumstances. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997); *see also Lassiter v.*

1 *Dep't of Social Services*, 452 U.S. 18, 25 (1981) (there is no constitutional right to counsel in a
2 civil case). This denial is without prejudice to the Court's *sua sponte* appointment of counsel at a
3 future date should the circumstances of this case warrant such appointment.

4 This Order terminates Docket No. 9.

5 IT IS SO ORDERED.

6 Dated: September 4, 2020


7 YVONNE GONZALEZ ROGERS
8 United States District Judge

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United States District Court
Northern District of California